

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Chris Olmsted	Team: Squad #9	CCRB Case #: 201906101	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 05/04/2018 , Thursday, 05/10/2018 , NA, __/__/2018	Location of Incident: [REDACTED]	Precinct: 44	18 Mo. SOL 7/1/2019	EO SOL 7/1/2019	
Date/Time CV Reported Fri, 07/12/2019 11:42 AM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Fri, 07/12/2019 11:42 AM		
<b>Complainant/Victim</b>	<b>Type</b>	<b>Home Address</b>			
[REDACTED]	[REDACTED]	[REDACTED]			
<b>Witness(es)</b>	<b>Home Address</b>				
[REDACTED]	[REDACTED]				
<b>Subject Officer(s)</b>	<b>Shield</b>	<b>TaxID</b>	<b>Command</b>		
1. POM Edward McClain	14159	943544	PBBX		
<b>Witness Officer(s)</b>	<b>Shield No</b>	<b>Tax No</b>	<b>Cmd Name</b>		
1. POM Brian Hanlon	05831	950459	PBBX		
<b>Officer(s)</b>	<b>Allegation</b>			<b>Investigator Recommendation</b>	
A.POM Edward McClain	Force: Police Officer Edward McClain used physical force against § 87(2)(b) § 87(2)(b)			[REDACTED]	

## Case Summary

On July 12, 2019, § 87(2)(b) § 87(2)(b) filed this complaint in person at the Civilian Complaint Review Board.

On an unknown date in 2018, at an unknown time, Police Officer Edward McClain, of Patrol Borough Bronx, grabbed § 87(2)(b) § 87(2)(b) from behind at the northeast corner of § 87(2)(b) § 87(2)(b) in the Bronx, and intentionally took him to the ground without announcing himself as a police officer, causing § 87(2)(b) § 87(2)(b) to sustain a bloody nose and various scrapes (**Allegation A: Force**, § 87(2)(g) § 87(2)(g)).

This incident resulted in the arrest of § 87(2)(b) § 87(2)(b).

No video footage was obtained from this incident.

## Findings and Recommendations

### **Allegation (A) Force: Police Officer Edward McClain used physical force against § 87(2)(b) § 87(2)(b)**

It is undisputed that at the time of the incident, § 87(2)(b) § 87(2)(b) was illegally selling Yankees tickets. It is undisputed that PO McClain took hold of § 87(2)(b) § 87(2)(b) from behind and that § 87(2)(b) § 87(2)(b) and PO McClain fell to the ground. Although it is undisputed that § 87(2)(b) § 87(2)(b) was arrested and both men recalled the incident, neither § 87(2)(b) § 87(2)(b) nor PO McClain could recall the specific incident date. § 87(2)(b) § 87(2)(b) estimated the arrest took place in May or June of 2018; however, it is further undisputed that § 87(2)(b) § 87(2)(b) regularly scalps tickets, that PO McClain has arrested him several times for this crime, and that as a result of these repeat encounters the two men are familiar with one another by name and sight.

In his sworn statement to the CCRB, § 87(2)(b) § 87(2)(b) stated that without identifying himself as a police officer, PO McClain grabbed him in a bear-style hug, obstructing the range of motion of his arms, and deliberately tripped § 87(2)(b) § 87(2)(b) causing him to fall to the ground while unable to brace himself. § 87(2)(b) § 87(2)(b) stated that he struck his face on the ground and sustained a bloody nose, as well as various scrapes. He stated that PO McClain landed on top of him. (Board Review 01)

§ 87(2)(b) § 87(2)(b) stated that there were witnesses to the arrest, but he could not identify them.

In his testimony at the CCRB, PO McClain stated that he grabbed § 87(2)(b) § 87(2)(b) around the waist, announced himself as a police officer, and was recognized by § 87(2)(b) § 87(2)(b) causing § 87(2)(b) § 87(2)(b) to attempt to flee by pulling forward, away from PO McClain. PO McClain stated that § 87(2)(b) § 87(2)(b)'s momentum caused both men to fall to the ground, and that he released § 87(2)(b) § 87(2)(b) landing beside him. (Board Review 02)

§ 87(2)(b), § 87(2)(g)

### Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party.
- PO McClain has been a member of service for 12 years and has been a subject in 7 other CCRB complaints and 22 other allegations, of which 4 were substantiated:
  - 201209982 involved substantiated allegations of a force with a vehicle against PO McClain. The Board recommended Charges and the NYPD retained the case without discipline.
  - 201806754 involved substantiated allegations of abuse of authority against PO McClain. The Board recommended charges and the NYPD imposed Command Discipline A.
  - PO McClain's CCRB history does not reflect any patterns pertinent to this investigation.

## Mediation, Civil and Criminal Histories

- On July 17, 2019, this case was sent to mediation and on August 14, 2019, the case was returned to investigation as the complaint was no longer eligible for mediation.
- A FOIL request was submitted with the New York City Office of the Comptroller for a Notice of Claim and will be added to the case file upon receipt.

- § 87(2)(b) [REDACTED]

Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_

Signature \_\_\_\_\_ Print Title & Name \_\_\_\_\_ Date \_\_\_\_\_

Squad Leader: \_\_\_\_\_

Signature	Print Title & Name	Date
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Reviewer: \_\_\_\_\_

Signature

Print Title & Name

Date

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